IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA MARTINSBURG

UNITED STATES OF AMERICA,

Plaintiff.

٧.

CRIMINAL ACTION NO.: 3:13-CR-59-1

CIVIL ACTION NO.: 3:16-CV-80

(GROH)

RAHANEED OMAR GORDON,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of

the Report and Recommendation ("R&R") of United States Magistrate Judge Michael J.

Aloi. Pursuant to the Local Rules, this civil action was referred to Judge Aloi for

submission of a proposed R&R. Magistrate Judge Aloi issued an R&R [ECF No. 104¹]

on July 23, 2018. In the R&R, Judge Aloi recommends that the Petitioner's motion be

denied and dismissed.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a de novo

review of those portions of the magistrate judge's findings to which objection is made.

However, the Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140,

¹ All Electronic Court Filing ("ECF") Numbers in this Order refer to the Defendant's underlying criminal

action, 3:13-CR-59-1.

150 (1985). Failure to file timely objections constitutes a waiver of de novo review and

of a Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v.

Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984).

Objections to Magistrate Judge Aloi's R&R were originally due within fourteen plus

three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1);

Fed. R. Civ. P. 72(b). Service was accepted by the pro se Petitioner on July 26, 2018.

ECF No. 105. After allowing additional time for transit in the mail, the Court finds that

the deadline for the Petitioner to submit objections to the R&R has passed.

objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge

Aloi's Report and Recommendation [ECF No. 104] should be, and is hereby, **ORDERED**

ADOPTED for the reasons more fully stated therein. Therefore, the Petitioner's Motion

Pursuant to § 2255 is **DENIED** and **DISMISSED WITHOUT PREJUDICE**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk

of Court is **DIRECTED** to mail a copy of this Order to the Petitioner by certified mail, return

receipt requested, at his last known address as reflected on the docket sheet.

DATED: August 27, 2018

CHIEF UNITED STATES DISTRICT JUDGE

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